APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		ATTORNEY DOCKET NO.
09/002,944	01/05/98	WUGOFSKI	T	450.208US1

EXAMINER	
BUI,K	

LM02/0509

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ART UNIT	PAPER NUMBER
2711	6

DATE MAILED: 05/09/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

☒ Responsive to communication(s) filed on _Feb 15, 2000_

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire _____3____ month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) _1-20_ _____ is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) _1-20_ _____ is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

  ☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

    ☐ received.

    ☐ received in Application No. (Series Code/Serial Number) _____ .

    ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

  *Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

2.   Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman et al (U.S. Patent No. 5,940,073).

Regarding claims 1 and 20, Klosterman et al. (or "Klosterman" hereinafter) teach an information handling system (col. 1/lines 50-63), comprising:

a graphical user interface (Figs 2-6); wherein the graphical user interface is configured to display a channel list including at least one television channel and at least one Internet channel concurrently (Figs. 6b & 6c); and wherein the channel list includes graphical and behavioral attributes to determine the graphical user interface for the channel list when displayed in an electronic program guide (see Figs 6b & 6c and col. 9/lines 19-53).

Regarding claim 2, Klosterman teaches that "wherein the channel list is a favorite channels list" since Klosterman can set up and "autotune" the programs for that favorite channels list (see col. 2/lines 42-50).

Regarding claim 3, the step of "wherein the graphical user interface includes an electronic program guide configured to display the channel list" is taught by Klosterman (see col. 1/line 64-col. 2/line 25).

Regarding claim 4, the step of "further comprising an electronic program database for storing the channel list" since Klosterman teaches of having software applications for handling information and storing the available channels on a computer-readable storage mediums (see col. 4/line 63-col. 5/line 25).

Regarding claims 5 and 19, in additional view of the Rejection 112 above and claim 1 above, the step of "further comprising a convergence system which includes the information handling system" is disclosed by Klosterman due to the fact that Klosterman teaches of a broadcasting satellite system which transmits data (including voice and video data) to a plurality of users from a distribution center via a service provider can be interpreted as "a convergence system" for broadcasting interactive and non-interactive programs to a plurality of users (see Fig. 1 and col. 4/line 24-col. 5/line 46).

Regarding claim 6, in view of claims 1 and 4 above, Klosterman further teaches a computerized system for integrating Internet sources into an electronic program database comprising one or more television channels; one or more Internet channels; one or more channel

lists integrating the television channels and the channels (see Figs 6b & 6c, col. 9/lines 35-67); and

a means for storing each one of the channel lists (see col. 4/line 63-col. 5/line 25).

Regarding claims 7-9, the steps of "further comprising a means for displaying a selected

one of the channel lists wherein each one of the channel lists contains one or more stored

properties for the means for displaying"; "wherein at least one of the stored properties relates to a

graphical attribute of the means for displaying"; and "at least one of the stored properties relates

to a behavioral attribute of the means for displaying" are taught by Klosterman as well (see the

rejection of claims 1 and 20 above).

Regarding claims 10-12, the steps of "further comprising one or more user interfaces

providing a means for managing for each one of the channel lists"; "wherein the user interfaces

provide a management function of selecting the channel list"; and "wherein the user interfaces

provide at least one of the management functions selected from the group consisting of adding the

television channel, adding the Internet channel, removing the television channel, and removing the

Internet channel" are taught by Klosterman as well by "autotuning" and "hypertuning" techniques

(see col. 7/lines 5-24; col. 9/line 35-col. 10/line 29).

Regarding claims 13 and 14, Klosterman also discloses that "wherein the graphical user

interface is a channel banner graphical user interface" (see Figs. 3a, 4a, 5a); and "wherein the

graphical user interface is a favorite channel list graphical user interface" (see the rejection of

claim 2).

Regarding claims 15-16, Klosterman teaches of a computer-readable medium having computer-executable components comprising a database component for storing one or more channel lists (see col. 4/line 63-col. 5/line 25), at least one of the channel lists integrating one or more television channels and one or more Internet channels; and a user interface component for displaying the channel lists (see Figs 6b-d); and "wherein the computer-readable medium comprises a memory"(see col. 5/lines 17-22).

Regarding claims 17-18, Klosterman also discloses a computer comprising a processor, i.e., a data processor (see Fig. 12 and col. 12/lines 52-55); a computer-readable medium, i.e., a program guide controller module (see col. 12/line 66-col. 13/line 17); a display device, i.e., a TV or a computer monitor (see col. 12/line 56); and at least one application program, each application program executed by the processor from the computer readable medium to provide one or more channel lists for viewing on the display device wherein the channel lists integrate one or more television channels and one or more Internet channels (see col. 13/line 18-col. 14/line 3); and wherein the computer-readable medium comprises a memory (col. 13/lines 18-23).

Response to Arguments

3.   Applicant's arguments filed on 02/10/2000 have been fully considered but they are not persuasive.

Applicants basically argues that Klosterman does not teach or suggest "a graphical user interface configured to display a channel list including both Internet and television channels." Examiner strongly disagrees with the supports of Figures 6A-6D and from column 9, line 19 to column 10, line 15 of Klosterman's. By just looking at Fig. 6B alone, it illustrates a television program guide list including television channels as HBO, ESPN and so on and concurrently with a virtual channel 640 for users to access to the Internet or namely "an Internet channel". Figure 6C is just a submenu screen of Figure 6B in order to explain more what will be next after someone hit or click the virtual channel 640 or Internet channel. Furthermore, Figure 6D explains that the user can return back to the regular television program by "hypertuning" or clicking on the small screen 688 (col. 9/lines 54-67). Figure 6D also displays that the television program is running while the user is still searching or accessing the Internet. This is also another support that Klosterman does teach a graphical user interface configured to display a channel list including both Internet and television channels. Therefore, Examiner disagrees with the Applicants' arguments and stands with her previous and this Office Action according to the teaching of Klosterman.

Conclusion

4.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set

forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from

the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing

date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH

shortened statutory period, then the shortened statutory period will expire on the date the advisory action

is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from

the date of this final action.

5.   **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-6306 or (703) 308-6296, (for formal communications intended for entry)

Or:

(703) 308-5399, (for informal or draft communications, please label

"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

6.   Any inquiry concerning this communication or earlier communications from the examiner should

be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can

normally be reached on Monday-Thursday (1st week of a bi-week) and Monday-Friday (2nd week of a

bi-week) from 9:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor,

Andrew Faile, can be reached on (703) 305-4380.

Any inquiry of a general nature or relating to the status of this application or proceeding should be

directed to the Group receptionist whose telephone number is (703) 305-4700.

Nathan Flynn
Primary Examiner

Krista Bui
Art Unit 2711
April 27, 2000